



USDC SDNY
DOCUMENT
~~ELECTRONICALLY FILED~~
DOC #.
DATE FILED: 9/9/13
James W. Lutz

79-36 77th Road
Glendale, NY 11385
Home: (718) 326-0127
Cell: (347) 334-0676
E-Mail: newjim5000@aol.com

Hon. Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

September 5, 2013

Dear Judge Berman:

SO ORDERED:

Date: 9/9/13

Richard M. Berman
Richard M. Berman, U.S.D.J.

Clerk to docket.

The following is quoted from an E-mail that I sent to the NYCDCC Inspector General Mr. Danielson. I am hoping against hope that my situation is not falling upon deaf ears.

The Email in its entirety:

"I believe that your office takes failure to pay Union Members less than prevailing wage very seriously. Indeed your office with the help of the Union and NYS Authorities have prosecuted many employers for paying our members less than they are entitled to.

That is why I find it so perplexing that I have been continually short-changed by my employer for six years. My employer is the City of New York and as a Civil Service Carpenter I am entitled to the prevailing wage just as all of your members are. However, despite new agreements with the Building Trades that have increased certain union members salaries substantially, I have not received an increase for more than six years.

Refusal to pursue the prevailing rate that I am entitled to can only be construed as breach of contract and failure to represent by the NYCDCC union of which I am and have been for nearly 30 years a dues paying member.

Unfortunately at this juncture, after repeated pleas to the NYCDCC, I can only assume that the Union is in collusion with the City of New York by allowing this injustice to continue.

I realize that as an individual I can not take action against the City of New York to force them to pay prevailing wage. The NYCDCC does have that ability, however has elected not to use it.

My only recourse, it would appear, will be to take legal action against the NYCDCC. While I regret this course of action, sometimes it is necessary for one man to take a stand against injustice.

I will take that stand."

Sincerely,

James W. Lutz

James Lutz

Carpenter and member of the New York City District Council of Carpenters.